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WOOD, HERRON & EVANS, L.L.P.

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1960
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1938-1971

JOSEPH R. JORDAN
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OF COUNSEL
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FACSIMILE COVER SHEET

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TO: The Honorable Commissioner
Attention: Dameron L. Jones
Art Unit: 1616

FROM: Beverly A. Lyman, Ph.D.

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: November 22, 2004

Fax: (513) 241-6234

Pages (including cover page): 29

Re: U.S. Serial No. 09/757,333 VERSATILE HYDROPHILIC DYES
Attorney Docket No. MRD-67

ATTACHMENTS/COMMENTS: OFFICIAL

Please deliver to Dameron L. Jones
Amendment Transmittal (3 pages) (in duplicate)
Amendment (19 pages)
Terminal Disclaimer (3 pages)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted
to the Patent and Trademark Office centralized facsimile number (703)
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Cherie A. Etienne Date

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Rhonda A. Etienne 11/22/04
Rhonda A. Etienne Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Achilefu et al.
Serial No.: 09/757,333
Filed: January 9, 2001
Confirmation No.: 5506
Group Art Unit: 1616
Examiner: Jones, Dameron L.
Title: VERSATILE HYDROPHILIC DYES
Atty Docket: MRD-67

Cincinnati, Ohio 45202

November 22, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. Small Entity status is claimed.
 Other than a Small Entity.
3. The fee has been calculated as shown below:

Page 1 of 3

| (Col. 1) | | (Col. 2) | | (Col. 3) | SMALL ENTITY | | LARGE ENTITY | |
|---|---------------------------------|----------|--------------|-----------|--------------|-----------|--------------|--|
| Claims Remaining After Amendment | Highest No. Previously Paid For | Extra | Present Rate | Fee | Present Rate | Fee | | |
| TOTAL 20 | MINUS 20 | = 0 | x \$9 | \$0 | x \$18 | \$0 | | |
| INDEP. 3 | MINUS 3 | = 0 | x \$43 | \$0 | x \$86 | \$0 | | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + \$145 | \$0 | + \$290 | \$0 | |
| TOTALS | | | | TOTAL FEE | \$0 | TOTAL FEE | \$0 | |

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

X No additional fee for claims is required.

4. Attached is a check in the sum of _____ for the disclaimer fee.

X Please charge Deposit Account No. 23-3000 in the amount of \$110.00 for the Terminal Disclaimer fee.
A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) _____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

| <u>Extension (months)</u> | <u>Fee for other than small entity</u> | <u>Fee for small entity</u> |
|-------------------------------|--|---------------------------------|
| one month | \$ 110.00 | \$ 55.00 |
| two months | \$ 420.00 | \$210.00 |
| three months | \$ 950.00 | \$475.00 |
| four months | \$1,480.00 | \$740.00 |

Attached is a check in the amount of \$____ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for ____ months has already been secured and the fee paid thereof of \$____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$____.

OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Beverly A. Lyman

Beverly A. Lyman, Ph.D.
Reg. No. 41,961

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Rhonda A. Etienne 11/22/04
Rhonda A. Etienne Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Achilefu et al.
Serial No.: 09/757,333
Filed: January 9, 2001
Confirmation No.: 5506
Group Art Unit: 1616
Examiner: Jones, Dameron L.
Title: VERSATILE HYDROPHILIC DYES
Atty Docket: MRD-67

Cincinnati, Ohio 45202

November 22, 2004

Mail Stop Amendment
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P.O. Box 1450
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|---|----|---------------------------------|----|-----------|--------------|-----------|--------------|-----|
| Claims Remaining After Amendment | | Highest No. Previously Paid For | | Extra | Present Rate | Fee | Present Rate | Fee |
| TOTAL | 20 | MINUS | 20 | = 0 | x \$9 | \$0 | x \$18 | \$0 |
| INDEP. | 3 | MINUS | 3 | = 0 | x \$43 | \$0 | x \$86 | \$0 |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + \$145 | \$0 | + \$290 | \$0 | |
| TOTALS | | | | TOTAL FEE | \$0 | TOTAL FEE | \$0 | |

- ★ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ★★ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- ★★★ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

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Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Beverly A. Lyman

Beverly A. Lyman, Ph.D.
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Rhonda A. Etienne 11/22/04
Rhonda A. Etienne Date

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Atty. Doc. No.: MRD-67

Cincinnati, OH 45202

November 22, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In response to the Office Action dated August 23, 2004, applicants respond as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 15 of this paper.